

was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, namely, red perch fillets infested with parasites. The article was labeled in part: "Fish Fillets Deep Sea Brand T. & J. Busalacchi Inc. Boston, Mass."

On March 10, 1942, the defendant having entered a plea of not guilty and having waived the jury, the case came on for trial before the court. After hearing the evidence, the court entered judgment finding the defendant not guilty and ordered his discharge.

**2709. Adulteration of frozen fish. U. S. v. 128 Boxes of Frozen Whiting (and 3 other seizure actions against frozen fish). Decrees ordering that portions of the products be released under bond for salvaging of the good portion; remainder ordered destroyed.** (F. D. C. Nos. 5614, 5786, 5977, 6026. Sample Nos. 58356-E, 58891-E, 62290-E, 64329-E, 64338-E.)

Between August 20 and October 14, 1941, the United States attorneys for the Western District of Wisconsin, Western District of Pennsylvania, and the Northern District of Illinois filed libels against the following quantities of frozen fish: 320 15-pound boxes of whiting at Madison, Wis., 80 15-pound boxes of haddock at Pittsburgh, Pa., and 466 15-pound boxes of pollack at Chicago, Ill., alleging that the articles had been shipped within the period from on or about July 21 to on or about September 30, 1941, by F. J. O'Hara & Sons, Inc., from Boston, Mass., and Portland, Maine; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances. The articles were labeled in part: "H and G Maine Whiting," "Sm. Hadd Fillets," or "Pollock Fillets Packed by Portland Fish Co. Portland Me."

On September 26 and November 14, 1941, F. J. O'Hara & Sons, Inc., and the Portland Fish Co., claimants respectively for the lots seized at Pittsburgh and Chicago, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond for salvaging the good portion under the supervision of the Food and Drug Administration. On October 7 and November 11, 1941, no claimant having appeared for the fish seized at Madison, judgment of forfeiture was entered and the product was ordered destroyed.

**2710. Adulteration of frozen fish. U. S. v. 589 Boxes of Frozen Fillets (and 2 other seizure actions against frozen fish). Consent decrees of condemnation. Products ordered released under bond.** (F. D. C. Nos. 5466, 5618, 5773. Sample Nos. 42966-E, 42968-E, 42978-E, 42981-E, 64326-E, 64332-E, 64337-E, 79112-E.)

Examination of this product showed the presence of decomposed and putrid fish, a part of which was also parasite-infested.

On August 28 and September 5 and 22, 1941, the United States attorneys for the Western District of Pennsylvania and the Southern District of Ohio filed libels against 1,558 15-pound boxes of frozen haddock and 392 5-pound cartons of frozen perch at Pittsburgh, Pa., and 1,185 15-pound boxes of frozen whiting at Cincinnati, Ohio, alleging that the articles had been shipped within the period from on or about June 21 to on or about August 28, 1941, by Henry & Close, Inc., from Boston, Mass.; and charging that they were adulterated in that they consisted wholly or in part of filthy or decomposed substances. The articles were labeled in part: "Frozen Fillets \* \* \* Small Haddock [or "H & G Whiting"]"; or "Blue Sea Brand \* \* \* Ocean Perch Fillets."

On October 8 and 14, 1941, Henry & Close, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

**2711. Adulteration of frozen perch. U. S. v. 200 Boxes of Frozen Perch. Decree of condemnation and destruction.** (F. D. C. No. 5472. Sample No. 67271-E.)

On August 28, 1941, the United States attorney for the Southern District of Iowa filed a libel against 200 boxes, each containing 2 5-pound cartons, of frozen perch at Burlington, Iowa, alleging that the article had been shipped in interstate commerce on or about August 13, 1941, by Mariner's Fish Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Taste o' Sea Tenderloins \* \* \* Ocean Perch."

On October 11, 1941, the consignee having consented to the immediate destruction of the product, judgment of condemnation and destruction was entered.